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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/613,961	07/05/2003	Christian E. Schafmeister	214001-01024-1-1	9015	
3705	7590 02/13/2006	590 02/13/2006		EXAMINER	
	EAMANS CHERIN	DESAI, RITA J			
600 GRANT STREET 44TH FLOOR PITTSBURGH, PA 15219			ART UNIT	PAPER NUMBER	
			1625		

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)				
Office Action Summary		10/613,961	SCHAFMEISTER	, CHRISTIAN E.			
		Examiner	Art Unit				
		Rita J. Desai	1625				
Period fo	The MAILING DATE of this communication ap or Reply	pears on the cover sheet with the c	orrespondence ad	ldress			
WHIC - Exter after - If NO - Failu Any r	ORTENED STATUTORY PERIOD FOR REPL CHEVER IS LONGER, FROM THE MAILING D asions of time may be available under the provisions of 37 CFR 1. SIX (6) MONTHS from the mailing date of this communication. o period for reply is specified above, the maximum statutory period re to reply within the set or extended period for reply will, by statut reply received by the Office later than three months after the mailine and patent term adjustment. See 37 CFR 1.704(b).	PATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be time will apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	N. nely filed the mailing date of this c D (35 U.S.C. § 133).				
Status							
1)⊠	Responsive to communication(s) filed on <u>05 L</u>	December 2005					
· <u> </u>	is action is FINAL . 2b)⊠ This action is non-final.						
′=	Since this application is in condition for allowa		secution as to the	e merits is			
-,	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Dispositi	on of Claims						
·	·						
	Claim(s) 1 and 4-8 is/are pending in the application.						
	4a) Of the above claim(s) <u>13-294</u> is/are withdrawn from consideration. ☐ Claim(s) is/are allowed.						
·	·						
	Claim(s) 1, 4-8 is/are rejected.						
·	7) Claim(s) is/are objected to.						
الــاره	8) Claim(s) are subject to restriction and/or election requirement.						
Applicati	on Papers						
9)☐ The specification is objected to by the Examiner.							
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
	Replacement drawing sheet(s) including the correct	tion is required if the drawing(s) is obj	ected to. See 37 CF	FR 1.121(d).			
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority u	ınder 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
2) 🔲 Notice 3) 🔲 Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date	4) tnterview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa	te	D-152)			

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DETAILED ACTION

Claims 1, 4-8 are pending.

Claims 9-12 and 295-300 have been cancelled.

And claims 13-294 are withdrawn.

The rejection of claim 1 under 35 USC 112 has been withdrawn.

The rejection of claims 1, 4-8 under 35 USC 103 as being obvious over Valli et al still stands.

Applicants arguments are not found to be persuasive. The function of a protective group is the

same whether it is the same or different. Selectively protecting different groups is obvious to

one skill in the art. Thus the rejection still stands.

New Grounds of Rejection

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5473077 and WO 9605828. James Monn et al.

Applicants claims are drawn to compounds ACPD compounds wherein R6 is a carboxylic acid and the Z form an ester. Thus it is not a dicarboxylic acid.

Determination of the scope and content of the prior art (MPEP §2141.01)

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The WO reference in scheme II, III, IV on pages 15, 16 describes the compounds of the invention.

The different groups at the N and carboxylic acid positions are clearly shown.

The reference also teaches the use of protective groups selectively to obtain the corresponding compound. See page 8 and 9 of the reference.

From the different intermediates shown supra it can be seen that different protective groups are used for each of the carboxy and "N" groups.

Ascertainment of the difference between the prior art and the claims (MPEP §2141.02)

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The prior art does not specifically disclose the compounds in which both carboxy groups are not acids, however the general teaching that they can be different is clearly shown.

Finding of prima facie obviousness--rational and motivation (MPEP §2142-2413)

The reference teaches the genus with the different groups on the 2 "N"'s and the two carboxy's. The reference also teaches that the protective groups can be selectively changed and reversed to obtain the desired compound. Thus with this teaching one of skill in the art would have been motivated and found it obvious to obtain the compounds of the invention.

Conclusion

The claims 1, 4-8 are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita J. Desai whose telephone number is 571-272-0684. The examiner can normally be reached on Monday - Friday,9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Rita J. Desai Primary Examiner

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R.D. February 8, 2006